

EXHIBIT 9

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ALA Reg. #28049
MS Reg. #16430
DE Reg. #13404

August 6, 2018

Ms. Karen M. Authement, Esq.
KMA LAW OFFICE—STE 201
540 Richie Highway
Severna Park, MD 21146

Ref: McManus Trip and Fall Injury Incident Expert Report

Dear Ms. Authement:

Per your request, the facts of the subject fall injury incident matter were discussed with you and a site visit was performed on or about October 19, 2016 and then again in October, 2017. This fall incident site is an exterior entranceway for a Target Store located at or about 7951 Nolpark Court, Glen Burnie, MD. After considering the facts of the subject personal injury fall incident, along with generally accepted building code provisions and the literature regarding falls, the undersigned formulated professional opinions that are held within a reasonable degree of engineering certainty within the disciplines of civil/safety engineering and fall prevention human factors. A report compliant with the federal expert report format was prepared documenting developed professional expert opinions, their basis, and is presented herewith.

QUALIFICATIONS AND EXPERIENCE

Expert qualifications include a BS in Fire Protection Engineering; a MS in Civil Engineering with a major in structural/environmental engineering; a MEA in Engineering Management with a major in operations research and construction management; a Ph.D. in Safety Engineering; and professional engineering registrations in six states. A 16 year federal government career as a civil, safety, and fire protection engineer required either Secret or Top Secret Security Clearances. Total engineering work experience is now over 50 years including diverse safety/fire protection/civil engineering work; fall prevention human factors; and building code/Life Safety Code [LSC] use as described below in items one through nine.

1. Three years with the Goddard Space Flight Center (NASA) in Greenbelt, MD as their graduate fire protection/safety engineer hired by NASA serving as the Center's Fire/Safety Engineer in the Office of Health and Safety Engineering (May, 1967 to July, 1969) and, among other engineering duties, reviewed new construction drawings and building design tech specs, and renovations of buildings utilizing the Life Safety Code [LSC] and the Uniform Model Build-

based on fall accident data collected via the National electronic Incident Surveillance System [NEISS]. Hence, it is readily apparent that fall incidents are quite foreseeable and the architect, engineer, property manager, and property owner should exercise prudent and reasonable care and professional judgment in the layout, design, construction, and maintenance of an exterior entranceway for use by the Public to include all of its Means of Egress walkway components to include the elimination of any abrupt changes of elevation or mitigate same in accordance with the building code and the Life Safety Code [LSC] and prevailing/best practices. This standard of care for a walkway surface was **not** complied with for the subject Target store front exterior entranceway whereon Ms. Nancy McManus, a member of the Public, was caused to suddenly trip and fall on and sustain personal injuries as she attempted to use the Target store entranceway.

UNDERSTANDING OF THE FALL INCIDENT:

On or about August 15, 2016, Ms. Nancy McManus walked to the subject Target store front via the parking lot area in the front area of the store, crossed over a section of white lined pedestrian walkway delineation, and then stepped upon the concrete sidewalk and concrete paved entranceway when she was caused to trip and fall over an abrupt change of elevation at an expansion joint within the concrete. This Target store is located at 7951 Nolpark Ct., Glen Burnie, MD 21061. At the time of her fall, there were no warnings of uneven concrete surfaces via the use of safety cones or stark color contrast paint markings indicating trip and fall hazards were present. Importantly at the time of her fall, the security video footage shows that she was not walking in an unsafe manner nor performing some sort of activity distracting her from the normal process of walking such as looking at her cell phone and texting.

During the site visit, it fast became obvious that the entire Target store front was in need of major maintenance due to the vast number of misaligned concrete sections at many expansion joint locations. In the very specific area where Ms. McManus tripped and fell there were 9 trip and fall hazards in the form of missing joint materials and or misaligned walkway surfaces ranging from 0.25 in. to as much as 0.75 in. in height.

DISCUSSION AND ANALYSES:

Trip and fall hazards are insidious because the abrupt changes of elevation are small and create an unreasonably dangerous situation for pedestrian usage. Overall, there was a failure on the part of Target to mitigate these existing abrupt changes of elevation involving their commercial sidewalk and/or paved entranceway located directly in front of the Target store front to protect the Public. The subject abrupt "Change of Elevation" and many others like it in the same entranceway area [at the time of the fall incident and, also, during the two site visits] represented an unreasonably unsafe and dangerous walk-